



महाराष्ट्र शासन राजपत्र

प्राधिकृत प्रकाशन

शनिवार, जून १८, १९८३/ज्येष्ठ २८, शके १९०५

स्वतंत्र संकलन म्हणून काढिल करण्यासाठी या भाषाला वेगळे पृष्ठ कमीक विले आहेत

भाग चार

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अन्वयादेश व केलेले विनिर्देश

अनुक्रमिका

MAHARASHTRA ORDINANCE No. XIV of 1983—An Ordinance to repeal the Maharashtra Public Services (Subordinate) Selection Boards Act, 1973 and to provide for certain matters incidental thereto.

252-257

GENERAL ADMINISTRATION DEPARTMENT

Mantralaya, Bombay 400 032, dated the 18th June 1983.

MAHARASHTRA ORDINANCE No. XIV OF 1983.

AN ORDINANCE

to repeal the Maharashtra Public Services (Subordinate) Selection Boards Act, 1973, and to provide for certain matters incidental thereto.

WHEREAS both Houses of the State Legislature are not in session ;

AND WHEREAS the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action to repeal the Maharashtra Public Services (Subordinate) Selection Boards Act, 1973, and to provide for certain matters incidental thereto ;

Mah.
XXI
of
1973.

भाग चार-६१

(२५२)

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Maharashtra Public Services (Subordinate) Selection Boards (Repeal) Ordinance, 1983.

(2) It shall come into force at once.

2. *Repeal of Mah. XXI of 1973 and dissolution of Boards constituted thereunder.*— On and with effect from the date of commencement of this Ordinance, the Maharashtra Public Services (Subordinate) Selection Boards Act, 1973, shall stand repealed, and all the Selection Boards and the Special Selection Board constituted thereunder 1973. shall stand dissolved, and the members thereof shall be deemed to have vacated their office.

3. *Amendment of certain enactments.*—The enactments specified in column 2 of the Schedule hereto are hereby amended in the manner, and to the extent, specified in column 3 thereof.

4. *Validation of certain appointments to Subordinate service.*—Notwithstanding anything contained in the Maharashtra Public Services (Subordinate) Selection Boards Act, 1973, every person who has been appointed to any post in the Subordinate service on or before the day immediately preceding the date of commencement of this Ordinance, and who is still in service on the date of commencement of this Ordinance, shall be deemed to have been validly appointed to that post, notwithstanding that such person was not nominated or recommended by a Selection Board, or as the case may be, a Special Selection Board, under the said Act or the Maharashtra Public Services (Subordinate) Selection Board Rules, 1976, or any other rules or orders for the time being in force or that no revised rules for selection of candidates by a Selection Board or a Special Selection Board were framed; and no such appointment shall be called in question in any Court or before any authority merely on the ground that he was not duly selected or appointed:

Provided that,—

(a) in the case of such appointment under the State Government, the initial appointment of the person is made—

(i) in conformity with the age limit and minimum qualifications prescribed in the recruitment rules for the post in force at the time of such appointment;

(ii) from amongst candidates recommended by the Employment Exchange or Social Welfare Officer or Backward Class organisations authorised by Government to sponsor candidates for appointment to Government service or the Collector from the list of candidates employed during the 1977-78 strike period;

(iii) in conformity with the orders issued by Government, from time to time, in respect of reservation of posts for persons belonging to backward classes, economically weaker sections, ex-servicemen, physically handicapped persons, or any other category;

(b) in the case of such appointment under the Zilla Parishads, the Municipal Councils, the Municipal School Boards constituted under the Bombay Primary Education Act, 1947, the Maharashtra State Electricity Board constituted under Electricity (Supply) Act, 1948, and the Maharashtra State Road Transport Corporation constituted under the Road Transport Corporations Act, 1950, the initial appointment of the person is made in conformity with the relevant rules or regulations or orders made by the authority concerned for the post, or any orders issued in that behalf by Government, and in force at the time of such appointment.

5. *Savings.*—Save as otherwise provided in this Ordinance, the provisions of section 7 of the Bombay General Clauses Act, 1904, with regard to effect of repeal, shall apply.

SCHEDULE

(See section 3)

Enactments Amended

Number and year	Short title	Amendments
1	2	3
Mab. V of 1962	The Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961.	<p>1. In section 2, after clause (12), the following clauses shall be inserted, namely :—</p> <p>“(13) “District Selection Board” means a Board constituted under section 250 ;</p> <p>“(14) “Divisional Selection Board” means a Board constituted under section 250.”</p> <p>2. In section 95, in sub-section (2), for clause (b) the following clause shall be substituted namely :—</p> <p>“(b) shall appoint officers and servants of Class III service from the lists of candidates selected by the District Selection Board, or as the case may be, the Divisional Selection Board and also under the proviso to section 251;”.</p> <p>3. After section 248, the following sections shall be inserted, namely :—</p> <p>“249. There shall be a Divisional Selection Board for each Division and a District Selection Board for each District.</p> <p>250. (1) For the purpose of securing impartial selection of personnel in the District Technical Service (Class III) and District Service (Class III), the State Government shall constitute the Divisional Selection Boards and the District Selection Boards.</p> <p>(2) The members of the Boards constituted as aforesaid shall be appointed by the State Government and the Boards shall consist of such number of members not exceeding six as that Government may determine.</p> <p>(3) The State Government shall appoint a Chairman for each of the aforesaid Boards from among its members.</p> <p>(4) The members who are not officers of the State Government shall be paid such honoraria, travelling and other allowances as may be determined by the State Government. The State Government may by rules determine other terms of their appointment and the terms so determined shall not be varied to their disadvantage after their appointment.</p> <p>(5) The State Government shall appoint any officer or person to be the Secretary of each of the Boards constituted by the State Government.</p> <p>251. Subject to the rules made by the State Government in that behalf, it shall be the duty of the Divisional Selection Board to select candidates for appointment to posts in each grade and each category of the District Technical Service (Class III), and it shall be the duty of the District Selection Board to select candidates for appointment</p>
	Establishment of Divisional Selection Board and District Selection Board.	
	Constitution of Divisional and District Selection Boards.	
	Function of Selection Boards.	

SCHEDULE—contd.

Number and year	Short title	Amendments
1	2	3

to posts in each grade and each category of officers and servants in the District Service (Class III) :

Provided that, nothing in this section shall prevent the State Government from making any rules, in consultation with a Divisional Selection Board or a District Selection Board, specifying the circumstances in which, it shall not be necessary for the Divisional Selection Board or the District Selection Board to select candidates for appointment to a post or posts specified in such rules, and providing for the manner in which such appointment shall be made by the Chief Executive Officer."

4. In section 274, in sub-section (2), after clause (xxxix), the following clauses shall be inserted, namely :—

" (x) under sub-section (4) of section 250, determining other terms of appointment of members referred to in that section ;

(xi) under section 251, prescribing the rules subject to which the Divisional Selection Board shall select candidates for appointments to posts in each grade and each category of the District Technical Service (Class III), and the District Selection Board shall select candidates for appointments to posts of each grade and each category of officers and servants in the District Service (Class III) ; "

Mah. XL of
1963.

The Maharashtra Municipalities Act, 1963.

Mah. XXI of
1973.

1. In section 76,—

(a) in sub-section (2), for the words, brackets and figures " Subject to the provisions of the Maharashtra Public Services (Subordinate) Selection Board Act, 1973, and the rules made thereunder, the qualifications " the words " The qualifications " shall be substituted ;

(b) for sub-section (3), the following sub-section shall be substituted, namely :—

" (3) (a) The power of making appointment to any post referred to in clause (a) of sub-section (2) shall vest in the Standing Committee, and if the Council so decides, in the President.

(b) The power of making appointment to any post referred to in Clause (b) of sub-section (2) shall vest in the Council or in the Standing Committee, if the Council so decides. "

2. In section 79, in sub-section (2),—

(a) the first proviso shall be deleted ;

(b) in the second proviso, for the words " Provided further that " the words " Provided that " shall be substituted.

SCHEDULE—*contd.*

Number and year	Short title	Amendments
1	2	3
Bom. LXI of 1947.	The Bombay Primary Educa- tion Act, 1947,	In section 23,— (1) in sub-section (4),— (a) for the words "and Attendance Officers" the words "Attendance Officers and teachers" shall be substituted; (b) after the words "selection of candidates" the word, "and teachers" shall be inserted; (2) in sub-section (5), for the words, brackets and figure "Subject to the provisions of sub-section (6), the school board" the words "The school board" shall be substituted; (3) sub-section (6) shall be deleted; (4) for the marginal note, the following shall be substituted, namely :— "Staff Selection Committee."

STATEMENT

The Maharashtra Public Services (Subordinate) Selection Boards Act, 1973 (Mah. XXI of 1973), was enacted and amended from time to time for the purpose of securing a uniform standard of recruitment and for securing and maintaining impartial selection of personnel to the subordinate services under the State Government, certain local authorities or other corporations or corporate bodies, etc. For the purpose of selecting candidates initially only one Selection Board was constituted under the Act with its Headquarters at Aurangabad, but recently regionwise Selection Boards in each of the six regions in the State, and also a Special Selection Board for State level posts, have been constituted.

2. From the experience gained in the functioning of the Boards, Government have noticed that the working of the Boards could not be said to be satisfactory. Of late, there have been serious complaints received in respect of the functioning of one of the Selection Boards and Government has directed investigation and enquiry to be made in respect thereof.

3. The State Government has, therefore, decided to repeal the Act and to dissolve the Boards immediately and to restore the practice of making appointments to subordinate services under the State Government, *Zilla Parishads*, Municipal Councils, Municipal School Boards, Maharashtra State Electricity Board and Maharashtra State Road Transport Corporation by the respective appointing authorities, in accordance with the procedure prescribed for recruitment to the posts in such services by the State Government or by the rules or regulations made under the respective enactments under which the *Zilla Parishads*, Municipal Councils, Municipal School Boards, Maharashtra State Electricity Board and Maharashtra State Road Transport Corporation are constituted and are functioning.

4. In order to avoid undue hardships to employees and dislocation of work, and to remove any doubt, the State Government has further decided that persons in service on the date of repeal of the Act, whose initial appointments were made in conformity with the rules and orders made by the concerned authority, should be deemed to be validly appointed, even though they may not have been nominated or recommended by the Selection Boards for some reason or the other.

5. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action for repealing the Maharashtra Public Services (Subordinate) Selection Boards Act, 1973, and for making incidental and consequential provisions, for the purposes aforesaid, this Ordinance is promulgated.

Dated the 17th June 1983.

IDRIS H. LATIF,
Governor of Maharashtra.

By order and in the name of the Governor of Maharashtra,

V. T. CHARI,
Secretary to Government.

शासकीय मध्यवर्ती मुद्रास्थानक, मुंबई